



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 15, 1994

Mr. James H. Koehn  
Attorney at Law  
3101 Bee Cave Road, Suite 302  
Austin, Texas 78746

OR94-342

Dear Mr. Koehn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code.<sup>1</sup> Your request was assigned ID# 22374.

The City of Manor (the "city"), which you represent, received an open records request for 33 categories of information. The requestor styled his request in the form of "interrogatories,"<sup>2</sup> most of which do not request specific records, but rather seek answers to specific questions. Although you originally contended that some of the requested information may be withheld pursuant to former section 3(a)(3) of the Open Records Act (now found at section 552.103 of the Government Code), in subsequent correspondence with the requestor it appears that the city has in fact released all of the requested records that it possesses.

The Open Records Act does not require a governmental body to obtain information not in its possession or to prepare new information in response to a requestor. Open Records Decision No. 445 (1986). Nor does the act require the preparation of information in the form requested by a member of the public. Open Records Decision No. 145 (1976); *see also* Open Records Decision No. 347 (1982). For example, in Open Records Decision No. 347, this office indicated that the act does not require a governmental body to answer factual questions or to, in effect, respond to legal interrogatories. The act applies only to information already transcribed into tangible form.

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<sup>1</sup>The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

<sup>2</sup>These "interrogatories" do not appear to relate to any pending litigation. We therefore do not view the request as one made pursuant to the Texas Rules of Civil Procedure.

After reviewing the city's response to the requestor, it appears to this office that the city has released documents that contain some of the information sought by the requestor. Cf. Open Records Decision No. 87 (1975) (when receiving vague request, governmental body should advise requestor of type of documents available). However, the city is not required to respond to the "interrogatories" for which it maintains no corresponding documents.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison  
Assistant Attorney General  
Open Government Section

SG/RWP/rho

Ref.: ID# 22374  
ID# 23910  
ID# 23924

Enclosures: Submitted documents

cc: Mr. Michael E. Tierney  
1900 Walsh Drive  
Round Rock, Texas 78681  
(w/o enclosures)